Ital



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/562,633

Applicant

Todd Maibach

Filed

December 29, 2005

Title

FILM COMPRISING THERAPEUTIC AGENTS

TC/Art Unit

1615

Examiner

Unassigned

Docket No.

48919-00007

Customer No.

23767

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56(b)

Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314 Mail Stop <u>AMENDMENT</u>

Sir:

In order to comply with Applicant's duty of disclosure pursuant to 37 C.F.R. §1.56, submitted herewith on Form PTO/SB/08A is a listing of documents known to Applicant. The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

As provided in 37 C.F.R. § 1.98(e) and/or M.P.E.P. 609 III(A)(2)(A), copies of the U.S. Patent(s) and the published U.S. Application(s) listed on Form PTO/SB/08A are not being provided as the instant application was filed after June 30, 2003.

The Information Disclosure Statement is being filed prior to the mailing of the first Office Action. Accordingly, it is believed that no fee is due at this time.

Atty. Docket No. 48919-00007

## U. S. Serial No. 10/562,633

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. § 609.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this paper to undersigned's Deposit Account No. 50-1067.

Respectfully submitted,

March 28, 2006

Don J. Pelto Reg. No. 33,754

Preston Gates Ellis & Rouvelas Meeds LLP 1735 New York Avenue NW, Suite 500 Washington, DC 20006 Tel. 202.628.1700

Fax. 202.331.1024

Signature

PTO/SB/08a (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
o a collection of information unless it contains a valid OMB control number.

O builtude for form 4.440A/DTO					Complete if Known					
Substitute for form 1449A/PTO						Application Number		10/562,633 December 29, 2005		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)					Filing Date First Named Inventor					
							Todd Maibach			
							1615	615		
					Examin	er Name	*	Unass	signed	
Sheet 1 of 3				Attorney Docket Number		Number		9-00007		
Officer	<u> </u>		IS PA	TENT I	DOCUM					
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code 2 (# known)	Put	olication I M-DD-YY	Date	Name of F	Patentee or Ap ited Documen		Pages, Columns, Line Where Relevant Passag Relevant Figures App	jes or
	A1	US-3,492,131	01/2	7/1970		Schlatter				
		US-3,784,390	+	8/1974		Hijiya et				
	A2		<del>                                     </del>	1/1985	<del></del> +	Hijiya et				
	A3	US-4,562,020								
	A4	US-4,623,394		11/18/1986		Nakamura et al.		<del> </del>		
	A5	US-4,671,953		06/09/1987		Stanley et al.		· · · · · · · · · · · · · · · · · · ·		
<del></del>	A6	US-4,746,508		05/24/1988		Carey et al.				
	A7	US-4,820,506		04/11/1989		Kleinberg et al.				
	A8	US-4,851,394	07/25/1989		Kuboder	***************************************				
	A9	US-4,879,308		11/07/1989		Alam et al.				
	A10	US-5,288,497		<del></del>		Stanley et al.				
	A11			2/1995		Ozaki et				
	A12			1/1966						
	A13	US-5,569,482 10/2		9/1996			al.		ļ	
	A14	US-5,869,082 02/0		9/1999		Dugger	1.40		ļ	
	A15	US-6,020,002 02/0		1/2000	1/2000 Myers et al.		al.			
	A16	US-6,337,082 01/0		8/2002		Fuisz et	al.			
	A17	US-6,500,456 12/3		1/2002		Capella				
	A18			6/2003		Busiash	vili			
		FC	REIGN	PATE	NT DOC	UMENTS				
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> Number Kind <sup>4</sup> Code <sup>5</sup> (if known)			ation Date		e of Patentee plicant of Cite Document		Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	A19	WO 98/20862 A1		03/22/		Zerbe				ļ
	A20	WO 98/26763 A1		06/25/		Crem				·}
	A21	WO 98/26780 A2	06/25/		+	er et al			· <b>-</b>	
	A22	WO 99/17753 A1	04/15/	~		ura et al.	<u></u>			
	A23	WO 01/70194 A1	09/27/			er Lambert (	. <del>0</del> .		<del></del>	
	A24	WO 02/02645 A1		01/10	/2002		ale Foods ed et al.			
	A25	WO 02/43657 A2		06/06	/2002	Barkalow et al.				
	A26	WO 03/011259 A1		02/13	/2003	Chapdelaine et al.			<u> </u>	
	A27	WO 03/043659 A1		05/30	/2003	Virga	itto et al.			
Examine							Date Considere	,d		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

Considered

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08a (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
sons are required to respond to a collection of information unless it contains a valid OMB control number.

				Complete if Known				
Substitute for form 1449A/PTO				Application Number	10/562,633			
	INFORMATION	DIS	SCLOSURE	Filing Date	December 29, 2005 Todd Maibach			
	STATEMENT B			First Named Inventor				
				Art Unit	1615			
(Use as many sheets as necessary)				Examiner Name	Unassigned			
Sheet	2	of	3	Attorney Docket Number	48919-00007			

		U.S. PATENT DOCU	MENTS	
Cite No.1	Document Number  Number-Kind Code <sup>2 (# Known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
A28	US-2003/0107149	06/12/2003	Yang et al.	
A29	US-2003/0008008	01/09/2003	Leung et al.	
A30	US-2003/0035841	02/20/2003	Dzija et al.	
A31	US-2003/0078236	04/24/2003	Burk et al.	
			.,	
		<del> </del>		
			/	
				<u> </u>
	<b>1</b>			
ļ	<u> </u>			<del> </del>
	A28 A29 A30	Cite No.1  Number-Kind Code 2 (8 known)  A28 US-2003/0107149  A29 US-2003/0008008  A30 US-2003/0035841  A31 US-2003/0078236	Cite No.¹         Document Number         Publication Date MM-DD-YYYY           A28         US-2003/0107149         06/12/2003           A29         US-2003/0008008         01/09/2003           A30         US-2003/0035841         02/20/2003           A31         US-2003/0078236         04/24/2003	No. Number-Kind Code <sup>2 (# known)</sup> A28 US-2003/0107149 06/12/2003 Yang et al.  A29 US-2003/0008008 01/09/2003 Leung et al.  A30 US-2003/0035841 02/20/2003 Dzija et al.  A31 US-2003/0078236 04/24/2003 Burk et al.

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> Number Kind <sup>4</sup> Code <sup>5 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ <sup>6</sup>	
	A32	JP 58213709 (Abstract)	12/12/1983	Teikoku		ļ	
				ļ			

Examiner	Date	
	Considered	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WiPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.